

REMARKS

Claims 1-18, 24, 25, 30 and 37 are pending in this patent application. Claims 1, 14, 15, 30 and 37 are currently amended. Claims 2-13, 16-18, 24 and 25 are original. Claims 19-23, 26 and 27 are withdrawn. Claims 28, 29, 31-36 and 38-54 were cancelled.

Applicants' invention, as now more clearly claimed, is a double-face velour fabric article comprising a knitted fabric body having a technical face, formed by a filament stitch yarn, and a technical back, formed by a filament loop yarn, the knitted fabric body having a velour surface formed at both the technical back and the technical face. According to the invention, the filament stitch yarn comprises heat sensitive material that responds to application of heat during processing to increase tortuosity of air flow paths through the knitted fabric body formed by interstices defined among the filament stitch yarn and the filament loop yarn of the knitted fabric body. As a result, the knitted fabric body has permeability of about $80 \text{ ft}^3/\text{ft}^2/\text{min}$ or less under a pressure difference of $\frac{1}{2}$ inch of water across the knitted fabric body.

The Examiner has proposed to combine Lombardi et al. U.S. 4,103,518 and Ploch et al. U.S. 3,837,943, arguing that "the stitch-bonding process taught by Ploch et al. is similar to the pile knitting process described by Lombardi et al...." We respectfully disagree.

Lombardi et al. teaches a machine for knitting together yarns to produce a knit fabric. The word "stitch" appears twice, at col. 1, line 47 in describing the prior art, and at col. 11, line 26. The Examiner, in the office action mailed September 26, 2003, acknowledged that Lombardi et al. "fails to teach using heat sensitive material to form the stitch yarn in its process for producing a terry knit fabric."

Ploch et al. teaches a method for sewing (with a stitching thread) a layer of yarn fibers onto a ground cloth with a series of generally parallel seams, the yarns fibers subsequently being slit along the seams to form fleece or pile. Ploch et al. teaches use of threads formed of heat shrinkable material to achieve a "very tight seam" for holding the layer of yarn fibers against the ground cloth.

On this basis, we submit that the knitting process of Lombardi et al. and the sewing process of Ploch et al. are not analogous nor so similar as to provide proper support for the rejection maintained by the Examiner, at least not without impermissible application of hindsight with Applicants' invention as a guide.

Obviousness can only be established by combining or modifying the teaching of the prior art where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. (See M.P.E.P. §2143.01) Motivation cannot come from the invention itself. (See, e.g., Heidelberg Druckmaschinen AG v. Hantscho Commercial Products, Inc., 21 F.3d 1068, 1072 (Fed. Cir. 1993). Nor can *prima facie* obviousness be established by "using hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention." In re Fine, 837 F.2d 1071, 1075 (Fed. Cir. 1988).

Ploch et al. provides no teaching, nor suggestion, for Applicants' invention of a double-face velour fabric article comprising a knitted fabric body in which the filament stitch yarn comprises heat sensitive material that responds to application of heat during processing to increase tortuosity of air flow paths through the knitted fabric body formed by interstices defined among the filament stitch yarn and the filament loop yarn of the knitted fabric body, resulting in the knitted fabric body having permeability of about 80 ft³/ft²/min or less under a pressure difference of ½ inch of water across the knitted fabric body.

Furthermore, we note once again that Ploch et al. describes their process "as effecting the formation of the bulky seam" (col. 2, lines 3-4), rather disclosing creation of a bulkier fabric, as suggested and again cited by the Examiner in the rejection. We also do not find any mention or suggestion in Ploch et al. for using heat-sensitive stitch yarns for improving the strength of knit loops, not that such an advantage, if it exists, is relevant the knit fabrics described by Lombardi et al. nor to the knit fabrics described and claimed by Applicants.

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Applicants submit that this application is now in condition for allowance. Early favorable action is solicited. Please apply any charges or credits to deposit account 06-1050.

Respectfully submitted,

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